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## ABSTRACT

The question of what the university should do when it purchases goods and services from firms that are said to have acted improperly is considered by the president of Harvard University. It has been proposed that Harvard join national boycotts to force companies to stop engaging in specific practices that are thought to be improper. Several objections can be made against refusing to buy from firms on social or ethical grounds. It would be difficult to develop consistent standards to determine when a company's behavior was sufficiently objectionable to merit this treatment. A university would also assume a heavy administrative burden if it decided to cease making purchases on moral grounds. Universities might endanger their independence and academic autonomy if they claim the right to use economic leverage to influence business policies. The risk of abuse in deciding what is morally right is so great that it seems wiser for private organizations to leave to public agencies the task of imposing standards of corporate behavior. There is, however, good reason for the university to encourage individual choice by offering an alternative source of supply when particular products raise serious ethical concerns. There are many ways that universities act collectively and make decisions in ways that observe a moral obligation not to inflict unjustifiable harm on others. Reasons for caution against the university making collective stands on external issues are discussed. (SW)

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An Open Letter to the Harvard Community

In my last two open letters, I discussed the question of divesting stock and the ethical problems that arise in accepting gifts. My final letter in this series will consider what the University should do when it purchases goods and services from firms that are said to have acted improperly.

In making their purchases, universities are normally concerned only with finding goods of appropriate quality at the lowest possible price, consistent with applicable legal requirements. But there are strong grounds for taking account of social and ethical considerations in certain cases. For example, universities should clearly not purchase goods if they have reason to believe that the vendor does not possess legal title to the property. While cases of this sort are rare, they may arise in our museums, and existing procedures thus require that curators take pains to inform themselves about the provenance of any objects they buy in order to make certain that each item was lawfully acquired by the vendor. Another good reason for taking ethical considerations into account is to encourage greater opportunities for minority employees and businessmen working on Harvard building projects. By working closely with contractors, we have managed to achieve more than twenty percent representation of minorities on all our construction projects.

A very different argument that is sometimes made is that a university should refuse to purchase goods if their nature or methods of manufacture are deeply offensive to the values of the institution. One example might be a product manufactured abroad with the use of slave labor or exploited children. While extreme cases could lead a university to cease its purchases, arguments of this kind very rarely arise. Much more frequent are proposals asking Harvard to join national boycotts to force companies to stop engaging in specific practices that are thought to be improper. Thus, a number of student groups have urged the University in the past five years to stop buying goods from firms embroiled

in public controversies — Gallo Wines, J. P. Stevens, and the Nestlé Corporation among others.

Several objections can be made against refusing to buy from firms on social or ethical grounds. Because of the infinite variety of corporate activities and practices, it would be difficult to develop consistent standards to determine when a company's behavior was sufficiently objectionable to merit this treatment. Such an effort would also raise extremely difficult and divisive questions. If a university health service purchases abortion services from a neighboring clinic, some people may claim that it is subsidizing murder while others will insist that the practice is legitimate, and perhaps even obligatory. If college cafeterias serve South African produce, some students will regard the purchase as morally repugnant while others will question the wisdom of a boycott that might only tend to deprive black workers of their livelihood.

A university would also assume a heavy administrative burden if it decided to cease making purchases on moral grounds. In order to act in a principled fashion, the institution could not merely respond to ad hoc requests for boycotts but would have to apply its ethical standards in a consistent and equitable manner. It is hard to imagine how this duty could be met without requiring the university to monitor large numbers of firms with which it does business to make sure that each of them met its guidelines.

In considering the nature of this task, we must remember that a university stands in a very different position from the ordinary consumer. Because of its reputation for high intellectual standards, many people would assume that a university's decision to boycott must reflect thorough knowledge of the facts and expert judgment on the issues involved. In order to keep faith with these expectations and maintain intellectual integrity, academic institutions would have to proceed with

great care to take full account of the facts and arguments asserted by both sides and arrive at a fair and accurate resolution of the matters in dispute. In view of the tangle of conflicting assertions so often found in such cases, a university would frequently be compelled to hold lengthy hearings and even to engage in detailed investigations of corporate practices here and abroad.\*

Disputes of this kind may present opportunities for experts in the faculty to carry out impartial studies that can eventually influence corporate behavior or assist government agencies and international bodies in developing sensible policies to deal with the underlying problems. Universities should welcome this work and support professors seeking funds for such projects. But it is much less sound to expect all universities to launch detailed and duplicative investigations of their own — or, worse yet, respond to boycott demands by reaching hasty decisions carrying a high risk of arbitrary and erroneous judgments that may mislead the public and compromise the integrity of the institutions.

Finally, as I explained in my first letter, I believe that universities would endanger their independence if they were to exert economic pressure in this manner. We cannot expect corporations to respect our academic autonomy if we claim the right to use our economic leverage to influence their business policies. By ignoring this principle, we will only impose a double standard that the rest of society is likely, sooner or later, to reject.

Despite these objections, some people may still feel that universities should be obliged to take ethical and political considerations into account when they purchase goods, just as they do when they vote as investors on shareholder resolutions. But voting on resolutions is very different from deciding to boycott a supplier. Purchasers are not owners and do not have the same status or the same obligations. In particular, buyers have never been given the responsibility that our laws confer on shareholders to express formal judgments on the policies of the firms in which they invest. As a result, if boycotts are to be justified,

they must be supported on their own merits and not by drawing an analogy to shareholder resolutions.

Another argument often made is that universities cannot escape a moral obligation to choose sides when their suppliers are involved in ethical or political controversies. Those who hold this opinion point out that Harvard helps every firm from which it purchases goods at a reasonable price. As a result, the University cannot be neutral when a dispute arises but must decide either to support the supplier by continuing to purchase its goods or to oppose its behavior by ending the relationship.

This argument would be particularly strong if Harvard deliberately chose its suppliers to express support for their social and economic policies. But the University has no such intention when it makes its purchases; it normally chooses the company that can provide the goods and services it needs at the best available price. Granted, such purchases do contribute something to the supplier's profits. But this support is almost always far too small to justify the risks to academic independence, the dangers of making arbitrary decisions, and all the other burdens and disadvantages of devising appropriate moral standards and applying them to our suppliers.

In addition, efforts to convert every economic relationship into an ethical responsibility produce very awkward problems. If universities have a moral obligation to review the activities of their suppliers and back up their judgments by economic pressure, should they not have the same responsibility toward the off-campus behavior of their professors, their employees, and everyone else who is supported in some fashion by the institution? Few of us would wish universities to assume this task, because the consequences are unsettling to contemplate.

This last point reveals the ultimate problem with asking a university to participate in boycotts. Individuals may be free to buy any products they choose. But do we really wish to have a society in which unions, corporations, trade associations, and all organizations with economic leverage feel obliged to use

\* In voting on shareholder resolutions, a university has the benefit of impartial studies of the facts and arguments carried out by the Investor Responsibility Research Center (IRRC), a nonprofit organization supported by numerous universities and other interested institutions. No comparable organization exists for boycott proposals nor is it likely that such an effort could be organized or supported in a manner comparable to the IRRC.

\* Indeed, student groups have demanded on occasion that Harvard dismiss particular professors or refuse to hire candidates for faculty positions because of their opinions or their nonacademic behavior. To my knowledge, the University has never agreed to such demands.

their power in an effort to force their ethical standards on those with whom they deal?

Although it may be tempting to consider imposing one's own political and ethical views, it is much less edifying to think of conferring such authority on every institution that might wish to impress its standards on others. But we cannot have it both ways. If universities claim the right to pressure others to do what they believe is morally right, we must acknowledge that all sorts of organizations and groups may likewise feel impelled to turn the screw in behalf of standards that *they* consider to be important and just. The movie companies that blacklisted former employees suspected of communist sympathies may have acted out of sincere conviction, but most of us would not approve of the results, let alone be confident that scrupulous fairness was achieved in finding the facts. The risk of abuse is so great that it seems wiser for private organizations to leave to public agencies the task of imposing standards of corporate behavior. For all its imperfections, the government is at least responsible to the voters and subject to the procedural requirements and all the other safeguards that our constitutional system provides.

In sum, universities have many serious reasons for refusing to stop purchasing goods on moral or political grounds. At the same time, those who object to the activities of particular companies have other ways of pressing their views without forcing universities to act on their behalf. They can seek ways of introducing appropriate shareholder resolutions. They can resort to various forms of publicity to alert the public to the objectionable practices involved. They can also petition Congress to hold hearings or consider appropriate legislative action.

Finally, as the Ad Hoc Committee on Consumer Responsibility has recently pointed out, individuals will often be able to give expression to their sentiments by simply refusing to eat, drink, or use particular products to which they take exception. If sufficient numbers refrain from using such a product, they may actually make a more eloquent statement than they could convey by persuading their university to institute a boycott. At the same time, they neither force their opinions on others nor require the institution to assume the burdens and disadvantages of making a collective decision.

If individuals on campus are free to make their own decisions about what products to use, universities will have to decide whether to offer them an alternative or simply require them to do without the items they pro-

test. I have talked with thoughtful people in this community who believe that students and other concerned individuals should not be offered alternatives because they should learn that they must pay some personal price for their convictions. But it is one thing to approve of such sacrifice, or even argue in its behalf, and quite another to impose it on others. It seems especially awkward for a university to compel students to live in dormitories and eat in dining halls and then assure them that they are perfectly free not to use the sheets produced by J. P. Stevens or drink the iced tea supplied by the Nestlé Corporation.

The cost of providing alternative products will normally be slight. There may be procedural issues in deciding how many individuals must protest in order to obtain such an option and who should be asked to bear the expense. But these are all manageable problems. Hence, as the Ad Hoc Committee has concluded, there is good reason for the University to encourage individual choice by offering an alternative source of supply when particular products raise serious ethical concerns.\*

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As I reach the end of my final letter, I have come to realize that my first essay has at times been read to imply that universities must always remain aloof from the world and never seek to address its evils, its sufferings, and its moral dilemmas. This is emphatically not the case.

In carrying out their normal functions, universities must act collectively on countless occasions. They should always seek to make these decisions in ways that observe a moral obligation not to inflict unjustifiable harm on others. As shareholders, moreover, they should vote their stock in an ethically responsible manner. As teaching institutions, they should make greater efforts to offer courses in professional ethics and moral choice. As employers, they should take pains to maintain fair employment practices and make affirmative efforts to offer opportunities for members of disadvantaged groups. As educational institutions, they should seek to open their doors to deserving students of modest means. As members of the community, they should

\* The Ad Hoc Committee report has made other recommendations that raise additional problems not covered in this letter. I have refrained from commenting on these matters pending review of the report within the Faculty of Arts and Sciences.

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not only avoid injuring their neighbors but make some appropriate effort to offer services they are specially qualified to provide — as Harvard has done in helping to establish a model community health plan, organizing low- and medium-income housing projects, and assisting in the development of Roxbury High School. As research institutions, they should support interested faculty in exploring problems of pressing social concern, such as research on food production, arms control, population, disease, and other human afflictions. The issue, therefore, is not *whether* universities should be involved with ethical and humane concerns but *how* they should be involved.

**S**pecifically, two principal questions underlie the current campus debates. The first issue is whether universities should ever accept funds, either through gifts or through investments, which can be traced in part to some objectionable form of activity in the outside world. It is easy to answer this question with the categorical statement that no academic institution should ever agree to “sell its soul for a mess of pottage.” But university officials are not private individuals accepting funds for their own personal advantage. They act on behalf of institutions that make important social contributions, and any decision they make that diminishes university funds may thereby threaten to sacrifice deserving human interests. Under these circumstances, the proper function of university officials is surely to inquire in every case whether their decisions, on balance, will serve to promote or to impair worthwhile human values and needs.

In making such decisions, officials may correctly decide against investments or gifts that work in significant ways to further improper ends or to uphold unethical principles. Thus, they may refuse to invest in firms that depend heavily on conditions or practices of an immoral nature, and they may likewise reject gifts that restrict academic freedom or promote some improper objective of the donor. But if they go beyond this standard to reject all gifts and investments that can be traced in some fashion to immoral practices, they may only succeed in curtailing valuable services to society without the hope of enhancing human welfare in more substantial ways. To this extent, sweeping prohibitions may ultimately retard social progress.

The second issue is whether universities should have an obligation to go beyond their traditional activities and embark on new efforts to use their collective power and influence to affect political and social conflicts in

the larger society. Should they seize the initiative and take collective stands on social issues in the outside world even though the controversies involved have no substantial connection with the university? Should they go further and attempt to enforce their position by using their leverage as purchasers of goods and securities to affect the behavior of others (apart from exercising their normal responsibilities as owners of stock to vote on shareholder resolutions)?

**T**o conserve their academic freedom, their independence, and their resources, universities have historically exercised restraint when asked to intervene in these ways, even when confronted by controversies arousing nearly universal concern within the institution. This caution deserves our understanding and respect, for it results from a sincere desire to preserve conditions that are essential to universities if they are to carry out their central functions of teaching and research.

Although such restraint may be attacked as self-regarding, it is actually much more than that. In their reluctance to take collective stands or exert economic pressure, universities are guided by a belief that any benefits to be achieved by such actions will often be outweighed by the resulting risks to academic functions that will ultimately contribute more to human welfare. This policy itself has moral value, since it is rooted in an effort to enhance the benefits that universities can bring to society.

In addition, the reasons that support institutional restraint have an independent ethical content of their own. As I have tried to point out, in resisting the use of boycotts and economic pressure, I am not only moved by a desire to protect the University; I also proceed from a conviction that we are more likely to achieve a better society by relying on the government to regulate corporate behavior and direct foreign policy than by encouraging private organizations to use their economic power to impose their own standards on others.

In cautioning against collective stands on external issues, I am likewise influenced by a fear that such positions will often be misleading and even mischievous. To many people in the outside world, official university statements on social and political questions will seem to represent the distilled, collective wisdom of an entire institution filled with learned and expert people. Indeed, it is the desire to capitalize on this impression that leads many activists to press so hard for university

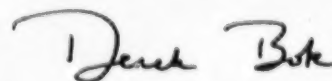
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statements. The true significance of such statements, however, is very different. In some cases, a university's position will be decided by a few officials and trustees who cannot hope to represent the wide array of views held by various members of the campus community. In other cases, an institutional statement may come about through the weight of faculty resolutions and student petitions that reflect the views of many persons with little time or special competence to judge the issues. The final product will emerge from a process of rhetoric, pressure, and accommodation quite unlike the careful, expert deliberation that characterizes serious academic work. In neither event will the university's position embody the thought and learning that many people rightly expect from academic institutions. In the end, a university functions best as a marketplace of ideas stocked with the products of many specialized and talented minds. When we force the marketplace to speak with a single voice, the result is likely to be much less than the sum of its constituent parts.

These conclusions may be disturbing to many people who are deeply troubled by events elsewhere in society. But those who object most strongly should ask themselves whether much will truly be lost by the reluctance of academic institutions to exert collective pressure. As I have tried to point out, the real power of universities stems from the force of individual ideas and not from the use of their portfolios or their purchasing offices. Moreover, universities offer such a convenient target that they can easily tempt concerned individuals to expend all their energies on their own campus while devoting little effort to the arduous but more promising task of working to influence institutions more directly responsible for the evils they deplore and more capable

of correcting them. By using universities in this fashion, such persons may do less than they might to overcome injustice while jeopardizing the more traditional functions by which academic institutions are most likely to make a lasting difference to society.

In bringing these letters to a close, I would emphasize once again that universities are institutions with limited purposes and capabilities. Within their proper sphere, they have important ethical responsibilities and impressive opportunities to contribute to human welfare. In this sense, they are neither morally neutral nor indifferent to urgent social needs. On the other hand, they are also fragile institutions—limited in their influence, burdened by severe financial problems, beset with serious intellectual and academic challenges, and only imperfectly understood by the larger society on which their existence ultimately depends. If universities are pressed beyond their normal functions to assume a social role that they are ill-equipped to play, they may easily falter in discharging their central purposes. If they are left to concentrate on their proper tasks—moral as well as intellectual—they may succeed, despite their present difficulties, in making immense contributions to a world that urgently needs the special forms of enlightenment and education they are uniquely able to supply.



Derek C. Bok

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